



October 30, 2020

House Licensing and Administrative Procedures Committee Formal Request for Information – Charge One

During the 86th Legislative Session, the Texas Legislature passed [House Bill 2847](#), providing common-sense updates, improving processes, and eliminating unnecessary regulatory provisions for programs regulated by the Texas Department of Licensing and Regulation (TDLR). Changes, improvements, and eliminations are detailed below.

Program-Specific Changes

The Texas Commission of Licensing and Regulation (Commission) has adopted all required rules necessary to implement the changes listed below.

Barbering and Cosmetology – House Bill 2847 reduced the hours of pre-licensure instruction necessary to obtain a Cosmetology Operator license from 1,500 hours to 1,000 hours. In addition, although a change was not required by any legislation, TDLR worked with the Advisory Board on Barbering and members of the Barbering profession, to make a corresponding reduction in the hours of pre-licensure instruction necessary to obtain a Class A Barber license from 1,500 hours to 1,000 hours. House Bill 2847 also now allows Barbers and Cosmetologists to provide select services to clients in a remote location if they are digitally prearranged. The legislation also modified required inspection intervals for periodic inspections and clarified the scope of practice for some Cosmetology licensees.

Driver Education and Safety – The legislation removed the business impediment that a brick and mortar establishment must first be present before a school could offer online instruction; removed the requirement that a new, physical location receive a physical inspection before opening; and streamlined requirements for becoming an instructor.

Laser Hair Removal – The legislation added a continuing education requirement so that licensees meet the highest standards of safety and training.

Midwives – The legislation now allows a midwife to serve as the presiding officer of the Midwives Advisory Board. Previously, only a public member could serve as presiding officer. On December 20, 2019, the Commission appointed a midwife as that board's presiding officer. In addition, language which could prevent the Commission from lowering fees in this program in the future was removed.

Used Auto Parts Recyclers – The legislation removed the requirement that employees must hold a license, and removed the concept of "risk-based" inspection to eliminate the potential for excessive regulation and penalties, which completed the removal of this type of inspection from any TDLR program. The legislation also modified required inspection intervals for periodic inspections of Used Auto Parts Recycler businesses.

Process Improvements

- The Commission now has the authority to set license terms of one or two years and make corresponding changes to continuing education requirements and fees for all programs regulated by TDLR. The Commission may adopt future rules to implement these changes to license terms based on input from advisory boards, industry groups and the public;
- TDLR is now authorized to hire outside experts, when needed, to investigate and prosecute complaints; and
- House Bill 2847 also ensured that all complaints, including those in TDLR's medical and health profession programs, use the highest levels of protection and confidentiality for medical records.

Elimination of Outdated Statutes

The Commission has adopted all required rules to complete the repeals listed below.

House Bill 2847:

- removed language stating that a boiler certificate of operation must be placed under glass;
- removed "moral turpitude" as a potential reason to deny a license in the remaining programs where it has not already been removed;
- removed the requirement that a licensed Audiologist first register their intent to perform the occupation for which they are licensed before they fit or dispense a hearing instrument;
- eliminated voluntary and unnecessary Technician Registrations in the Orthotists and Prosthetists program; and
- removed the requirement that Dietitians adopt an official seal.

License Terms, Fees, and Continuing Education Requirements

As noted above, the Commission's authority in Chapter 51, Occupations Code, now clearly states that license terms can be set for one or two years, that fees can be adjusted as needed, and that continuing education requirements may be prescribed. The chart below lists TDLR's programs, the length of license terms in those programs, and whether CE is required to renew a license.

License Terms and CE Requirements

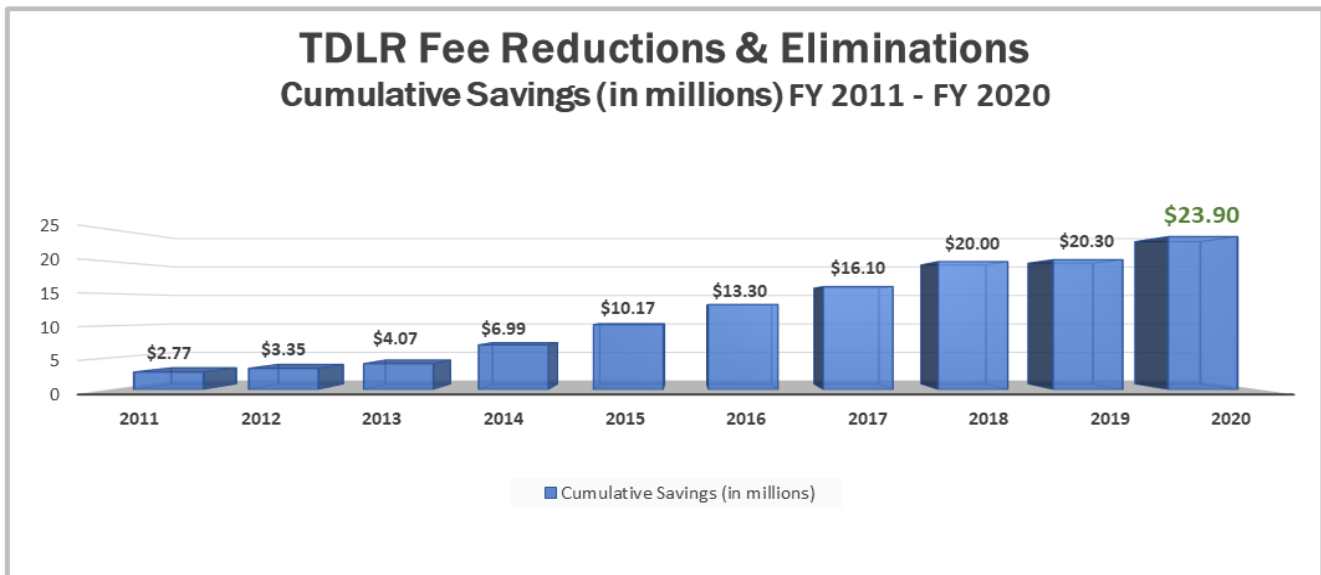
Program	License Term	Continuing Education
Air Conditioning and Refrigeration-A/C Tech	One Year	Yes
Architectural Barriers-Registered Accessibility Specialist	One Year	Yes
Athletic Trainer	Two Years	Yes
Auctioneer	One Year	Yes
Barbering	Two Years	No
Behavior Analyst	Two Years	Yes
Boiler Safety-Boiler Inspector	One Year	No
Code Enforcement Officer	Two Years	Yes

Combative Sports-Contestant	One Year	No
Cosmetologists	Two Years	Yes
Dietitians	Two Years	Yes
Driver Education and Safety-Instructor	One Year	Yes
Dyslexia Therapy	Two Years	Yes
Electricians-Apprentice Electrician	One Year	Yes
Elevator/Escalator Safety-Elevator Inspector	One Year	No
Hearing Instrument Fitters and Dispensers	Two Years	Yes
Industrial Housing and Buildings-Third Party Inspector	One Year	No
Laser Hair Removal	Two Years	Yes
Licensed Breeders	One Year	No
Massage Therapy	Two Years	Yes
Midwives	Two Years	Yes
Mold Assessors and Remediators-Remediation Worker	Two Years	Yes
Motor Fuel Metering and Quality-Service Technician	Two Years	No
Motorcycle and ATV Operator Safety	Two Years	No
Offender Education Programs-Instructor	Two Years	Yes
Orthotists and Prosthetists	Two Years	Yes
Podiatry	Two Years	Yes
Polygraph Examiners	One Year	Yes
Professional Employer Organizations	One Year	No
Property Tax Professionals	Two Years	Yes
Property Tax Consultants	Two Years	Yes
Sanitarians	Two Years	Yes
Service Contract Providers	One Year	No
Speech-Language Pathologists and Audiologists	Two Years	Yes
Tow Trucks, Operators and Vehicle Storage Facilities	One Year	Yes
Transportation Network Companies	One Year	No
Used Automotive Parts Recyclers	One Year	No
Water Well Drillers and Pump Installers	One Year	Yes
Weather Modification	One Year	No

A History of Fee Reductions

To build on the Commission's history of lowering fees, as noted in the chart *TDLR Fee Reductions* below, TDLR will evaluate programs on a go-forward basis to determine whether changing license terms and continuing education requirements could reduce fee amounts. In cases where fees may be lowered by increasing or decreasing the length of a license term or continuing education requirements, the Commission will consider all input from advisory boards, industry groups, and the public before making its decision.

TDLR Fee Reductions



- TDLR continually reviews licensing fees against program administration costs to ensure fees are in balance, and we reduce fees accordingly whenever warranted. Due to economies of scale, when existing programs are consolidated at TDLR, program administration costs are typically lowered.
- These savings are then passed on to licensees in the form of reduced or eliminated fees, while at the same time ensuring TDLR meets its obligations in Article VIII-Special Provisions, Section 2 of the General Appropriations Act.
- **From FY 11 through FY 20, the total cumulative savings for TDLR licensees from all fee reductions amounted to more than \$23.9 million.**

(TDLR Executive Office, Budget & Policy)